

Serial No. 10/698,382  
Amdt. dated October 21, 2005  
Reply to Office Action of July 21, 2005

Docket No. IK-0068

**Amendments to the Drawings:**

The attached drawings include changes to Figures 1 and 2a-2c. These sheets, which include Figures 1, 2a-2c, and 3a, replace the original sheets including Figures 1, 2a-2c, 3a. Figures 1 and 2a-2c have been amended to include the legend "Prior Art," as requested by the Examiner. No new matter is added.

Figures 4 and 5a-5b are added to the application in response to the Examiner's comments. It is respectfully submitted that the features shown in Figures 4 and 5a-5b, and more specifically, the placement of the cushioning member on the main body in Figure 4 and the multiple rollers in Figures 5a-5b, were fully disclosed in the originally filed specification (page 4, lines 11-16) and claims (4 and 6). Accordingly, no new matter is added.

Attachment: Replacement Sheets (3)  
Annotated Sheet Showing Changes (3)  
New Sheets (2)

**REMARKS/ARGUMENTS**

Claims 1-20 are pending in this application. By this Amendment, the drawings, Abstract, specification, and claims 1-6 are amended, and claims 7-20 are added. The drawings, Abstract, and specification are amended for clarification purposes only. No new matter is added. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

**I. Allowable Subject Matter**

It is noted that claim 2 is not rejected over art. Therefore, it is assumed, for purposes of this reply, that claim 2 contains allowable subject matter.

**II. Drawings**

The Office Action objects to the drawings. Figures 1 and 2a-2c have been amended to include the legend "Prior Art," as suggested by the Examiner. Accordingly, it is respectfully submitted that the objection should be withdrawn.

The Office Action objects to the drawings under 37 CFR 1.83(a), asserting that the features of claims 4 and 6 are not shown in the drawings. Figures 4 and 5a-5b have been added to the application in response to the Examiner's comments, and the appropriate sections of the

specification have been amended accordingly. It is respectfully submitted that, as the specification and claims as originally filed include the features shown in Figures 4 and 5a-5b and recited in claims 4 and 6, newly added Figures 4 and 5a-5b and the corresponding amendments to the specification do not constitute new matter. Accordingly, it is respectfully submitted that the drawings meet the requirements of 37 CFR 1.83(a), and thus the objection should be withdrawn.

### **III. Rejection Under 35 U.S.C. §112, First Paragraph**

The Office Action rejects claims 1 and 5 under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the enablement requirement. It is respectfully submitted that the amendments to claims 1 and 5 are responsive to the Examiner's comments, and that claims 1 and 5 meet the requirements of 35 U.S.C. §112, first paragraph. Accordingly, the rejections should be withdrawn.

### **IV. Rejection Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1, 3 and 5-6 under 35 U.S.C. §103(a) over Figures 1-2 of the present application in view of U.S. Patent No. 5,915,805 to Lee. It appears it was also the Examiner's intention to include claim 4 in this rejection. The rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, a cushioning member positioned between the

gasket and the edge portion of the one end portion of the door, wherein the cushioning member is configured to prevent over compression of the gasket when the door pivots about the axis of rotation. As acknowledged by the Examiner in the remarks regarding independent claim 1, Figures 1-2c of the present application neither disclose nor suggest such features, or the claimed combination. Further, Lee fails to overcome the deficiencies of Figures 1-2 of the present application.

Lee discloses a door handle assembly 400 for a refrigerator, including a gasket 31 which forms a seal between a door 30 and the main body 10 of the refrigerator when the door 30 is closed. A magnet 32 installed within the gasket 31 maintains surface contact between the gasket 31 and the main body 10. To break the seal between the door 30 and the gasket 31, a lever 50 is drawn toward a handle 40, causing a pivoting member 60 to pivot and actuate an operating member 70. This causes an operating part 71 and pushing part 72 disposed at its end to move linearly and exert pressure against the main body 10 to overcome the force exerted by the magnet 32 on the main body 10 and to break the seal to open the door 30. When the door 30 is closed, the operating member 70 is at rest, and the pushing part 72 is spaced apart from the main body 10.

It appears the Examiner has drawn a comparison between the pushing part 72 disclosed by Lee and the cushioning member recited in independent claim 1. However, the pushing part 72 merely exerts pressure on the main body 10 in response to actuation of the pivoting member

60 to break the seal formed by the gasket 31 and magnet 32. Lee neither discloses nor suggests that the pushing part is configured to prevent over compression of the gasket 31, as is the cushioning member recited in independent claim 1. Further, the pushing part 72 is positioned above the gasket 31 at a top end of the door 30, and the door 30 is clearly designed to pivot about the opposite side end of the door 30 from where the handle 40, and thus the pushing part 72, is positioned (see Figure 4 of Lee). Lee neither discloses nor suggests that the pushing part 72 is positioned between the gasket 31 and an edge of the door 30 at which the door 30 pivots, as is the cushioning member recited in independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1 is allowable over the applied combination, and thus the rejection of independent claim 1 under 35 U.S.C. §103(a) over Figures 1-2 of the present application in view of Lee should be withdrawn. Rejected dependent claims 3 and 5-6, as well as dependent claims 2 and 4, are allowable at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features.

#### **V. New Claims 7-20**

New claims 7-20 are added to the application. It is respectfully submitted that new claims 7-20 also define over the applied prior art references and meet the requirements of 35 U.S.C. §112. Claims 7-10 depend from claim 1, which is allowable over the art of record for all the

Serial No. 10/698,382  
Amdt. dated October 21, 2005  
Reply to Office Action of July 21, 2005

Docket No. IK-0068

reasons discussed above. Independent claim 11 recites, *inter alia*, a cushioning member positioned between the gasket and an outer edge of the door, wherein the cushioning member is configured to preclude over compression of the gasket as the door pivots. As set forth above, Figures 1-2c of the present application neither disclose nor suggest such features, and Lee fails to overcome the deficiencies of Figures 1-2c of the present application. Accordingly, it is respectfully submitted that independent claim 11, as well as claims 12-20, which depend therefrom, are allowable over Figures 1-2c of the present application and Lee.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **JOANNA K. MASON**, at the telephone number listed below.

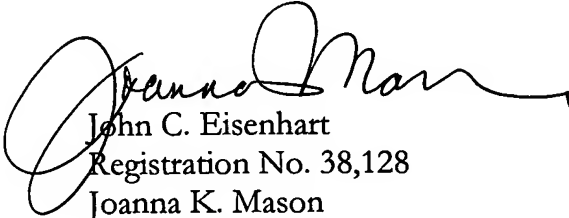
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

Serial No. 10/698,382  
Amdt. dated October 21, 2005  
Reply to Office Action of July 21, 2005

Docket No. IK-0068

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and  
please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



John C. Eisenhart  
Registration No. 38,128  
Joanna K. Mason  
Registration No. 56,408

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3701 DYK:JCE:JKM/cah

**Date: October 21, 2005**

\\fk4\Documents\2047\2047-065\71284.doc

**Please direct all correspondence to Customer Number 34610**

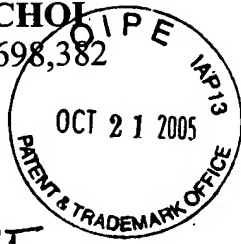


FIG. 1

PRIOR ART

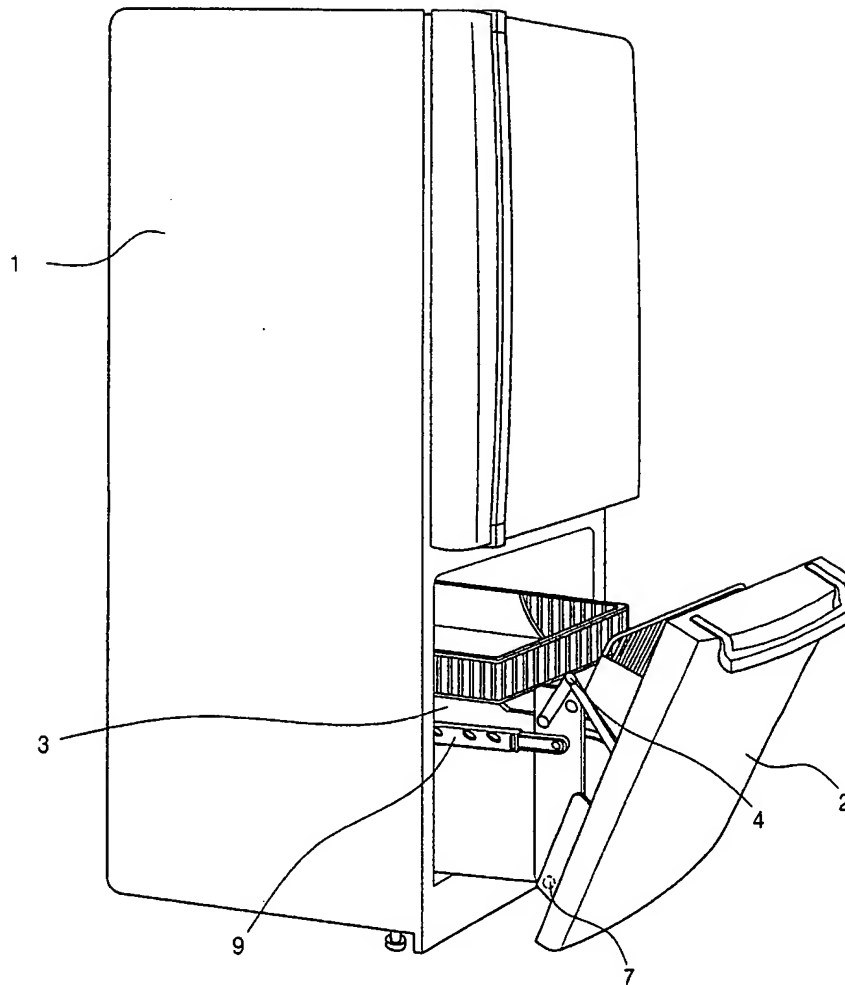




FIG. 2a  
PRIOR ART

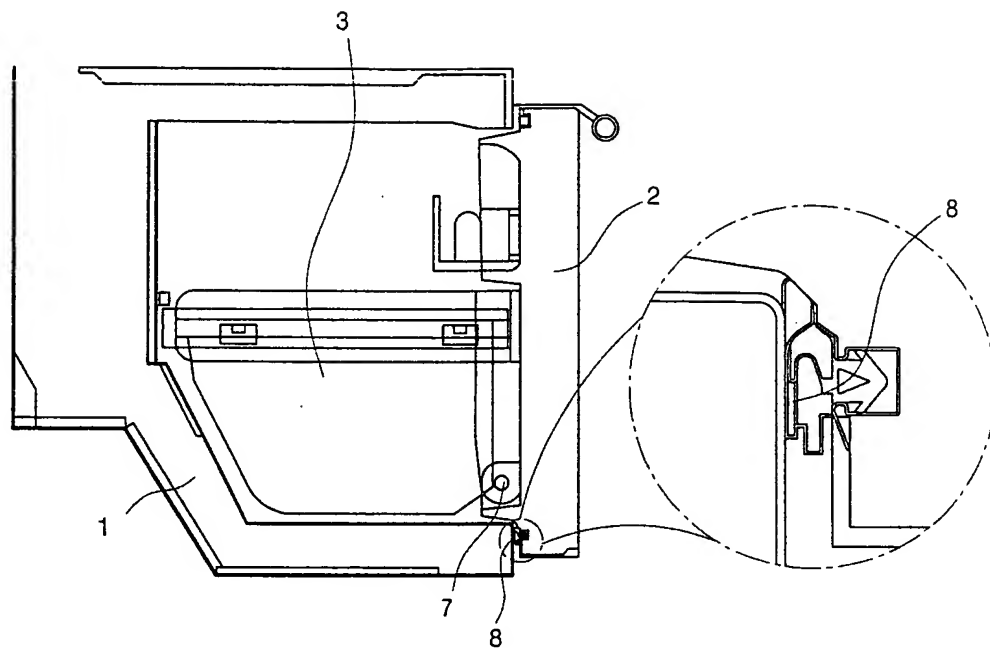


FIG. 2b  
PRIOR ART

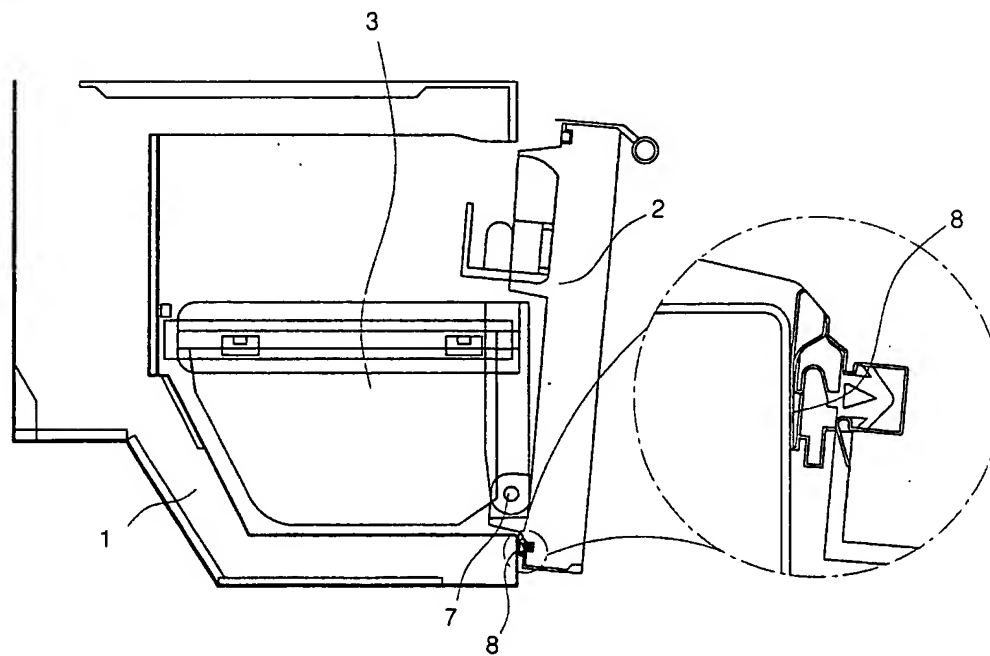


FIG. 2c  
PRIOR ART

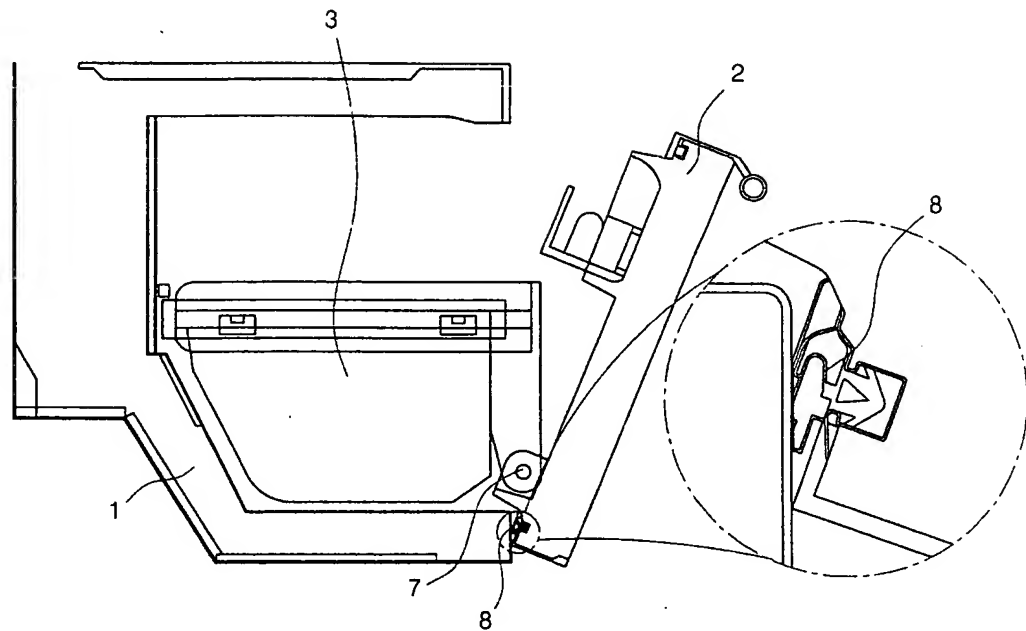


FIG. 3a

